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Attorneys for BNSF RAILWAY COMPANY,
as successor to THE ATCHISON, TOPEKA & SANTA FE
RAILWAY COMPANY

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE ATCHISON, TOPEKA & SANTA FE
RAILWAY COMPANY, et al.,

Plaintiffs,

v.

HERCULES INCORPORATED, et al.,

Defendants.

Case No.: 1:96-cv-05879 OWW/DLB
(CONSOLIDATED SHAFTER CASES)

**STIPULATION AND
ORDER FOR DISMISSAL WITH
PREJUDICE**

Fed. R. Civ. Proc. 41(a)(2)

Trial Date: None

This stipulation is entered into by and between BNSF Railway Company, as successor to The Atchison, Topeka & Santa Fe Railway Company ("BNSF"), and Marilyn M. Dietzel, Trustee, as successor of the Estate of Fred R. Bryant ("Dietzel"), through their respective counsel.

BNSF and Dietzel request that each and every claim or cause of action between them in this case be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), and hereby stipulate that each party shall bear its own costs and attorneys' fees incurred in connection with this case.

DATED: April 19, 2011

BARG COFFIN LEWIS & TRAPP, LLP

/s/ Marc A. Zeppetello

Marc A. Zeppetello,
Attorneys for BNSF Railway Company,
as successor to The Atchison, Topeka &
Santa Fe Railway Company

1 DATED: April 5, 2011

LAW OFFICES OF SCOTT PERLMAN

2
3 /s/ Scott Perlman

4 Scott Perlman

Attorneys for Marilyn M. Dietzel, Trustee,
as successor to the Estate of Fred R. Bryant

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6 IT IS SO ORDERED.

7 Dated: April 19, 2011

/s/ Oliver W. Wanger

8 UNITED STATES DISTRICT JUDGE